

MINUTES OF THE MEETING
OF THE
BOARD OF OPTOMETRY
CONFERENCE CALL

March 30, 2006

ROLL CALL

The meeting of the Board of Optometry was called to order at 1:04 p.m. by Dr. David Kincaid, Chairman, at the State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The agenda was sent to the Board members and other interested parties prior to the meeting. The following members answered the roll call by telephone:

Via telephone:

David Kincaid, O.D., Chairman
Shelley Fastenau, Vice-Chairman
Wayne Quincy, O.D.

Appeared in person:

James Kirchner, O.D., Secretary

Present from the Credentialing Division was Becky Wisell, Section Administrator and Vonda Apking, Credentialing Coordinator; Suzanne Tesina, Credentialing Specialist, Credentialing Division; and David Montgomery, Administrative Services.

Susan Strong, Assistant Attorney General, attended the meeting via telephone.

ADOPTION OF AGENDA

Kirchner moved, seconded by Quincy, to adopt the agenda. Voting aye: Kincaid, Kirchner, Fastenau, and Quincy. Voting nay: none. Motion carried.

Kincaid stated that the purpose of this meeting was to discuss whether a 407 review was necessary to pursue level licensure among active Nebraska optometrists. David Montgomery stated that changes to the levels of licensure is not a clear-cut issue. If this is submitted to the Department with a request for a 407, the Department would rule it eligible for review because it is possible to construe the proposal as a change in scope of practice. If the Board chooses to take the proposal to the Legislature without going through the 407, he doesn't believe the Department would have any objections because it can also be construed as not being a change in scope of practice. Mr. Montgomery reminded the Board of what may happen if the Board went to the Legislature and there is opposition to the bill, the Health and Human Services Committee may send it back to the Department for a 407 review.

Wisell stated that she talked to Darrel Klein, Legal Division, who said a legal argument could be made either way. Wisell explained to Mr. Klein that the Board intended to write to the optometrists that would be affected by any legislation to see if there is any opposition out there. Mr. Klein suggested also contacting the Nebraska Medical Association (NMA) to make them aware of the intended change and clearly explain that any legislation will only be requiring that all Nebraska optometrists practice at the highest level of licensure.

Mr. Montgomery noted that pursuing a 407 review would elevate any opposition.

Kincaid commented that the Board feels a 407 review is not needed.

Mr. Montgomery stated that a legal case could be made either way, but be aware that final decision made by the Department would have to come from the Director.

GENERAL INFORMATION

Wisell explained that Legislative proposals need to be submitted sometime in June.

The Board will re-visit the issue of practice act changes at the next Board Meeting scheduled May 3, 2006. Dr. Kirchner informed the Board of his new e-mail address.

ADJOURNMENT

Quincy moved, seconded by Fastenau, to adjourn the meeting at 1:40 p.m. Voting aye: Fastenau, Kincaid, Kirchner, and Quincy. Voting nay: none. Absent: none. Motion carried.

Respectfully submitted,

James K. Kirchner, O.D.
Secretary
Board of Optometry